IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 14536 of 2004

Between:

1.Avuti Babu, S/o Kotaiah, S.C. Person-Person in charge Committee, Ex-Officio

Member, The Kotha Jupudi D.C, Field Labour Co-op Society Ltd, G.2826

Jupudi, Ibrahimpatnam Mandal, Krishna District-A.P.
2.Thota Vijaya Babu, S/o Nageswara Rao, S.C, Member, The Kotha Jupudi

D.C, Field Labour Co-op Society Ltd, G.2826 Jupudi, Ibrahimpatnam Mandal,

Krishna District-A.P.
3.Thota Nageswara Rao, S/o Arjaiah, S.C. Member, The Kotha Jupudi D.C,

Field Labour Co-op Society Ltd, G.2826 Jupudi, Ibrahimpatnam Mandal,

Krishna District-A.P.
4.Thelagamalli Venkata Rama Rao, S/o Sangitha Rao, S.C. Member, The Kotha

Jupudi D.C, Field Labour Co-op Society Ltd, G.2826 Jupudi, Ibrahimpatnam

Mandal, Krishna District-A.P.
5.Avuti Kotaiah, S/o Pitchaiah, S.C. Member, The Kotha Jupudi D.C,

Field Labour Co-op Society Ltd, G.2826 Jupudi, Ibrahimpatnam Mandal,

Krishna District-A.P.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep. by its Principal Secretary,
Agricultural & Cooperative Department, Secretariat , Hyderabad - 500 004 –

A.P.

2 The Registrar of Cooperative Societies, Opp: to Gandhi Bhavan, Nampally, Hyderabad - 500 001- A.P.

3 Deputy Registrar of Co.op Societies, A.M.C. Complex, Governorpet, Jaihind Talkies Road, Vijayawada - 520 002 , Krishna District.

4 Cooperative Sub Registrar (Weaker Sections), O/o Divisional Cooperative

Officer, Vijayawada- 520 002, Krishna District.

5 Kotha Jupudi D.C. Field Labour Co-op Society Ltd, G.2826, JUPUDI, Ibrahimpatnam Mandal, Krishna District-A.P. Rep. by its Chairman, Person in Charge Committee.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the proceedings (un-numbered and undated) issued by the Person-in-Charge Committee of Kotha Jupudi D.C. Field Labour Cooperative Society, Jupudi, Ibrahimpatnam Mandal, Krishna District canceling the Membership of the Petitioners Viz, Aviti Babu,Membership Admission No.11, (2) Thota Vijaya Babu, Member ship Admission No. 39, (3) Thota Nageswara Rao, Member ship Admission No . 30, (4) Thelagamalli Venkata Rama Rao, Member ship Admission No. 35, (5) Aviti Kotaiah, Member ship Admission No. 28, and refunding the share capital of Rs. 5/- each by cheque Nos. 321867 to 321871 dated 10-8-2004 issued by SBI, ADB, Ibrahimpatnam Krishna District without following the due procedure of law, excessive, without any authority and violative of principles of natural justice as enshrined in Articles 14 and property rights under Article 300-A of the Constitution of India and consequently set aside them

Counsel for the Petitioners: MR.RAVI KUMAR TOLETY

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following:

ORDER:

The petitioners, who are five in number, filed this writ petition seeking a declaration that the proceedings issued by the Chairman of the Person-in-Charge Committee of the 5th respondent Society cancelling their memberships as arbitrary and illegal.

Under the impugned letters, the petitioners were informed that in the general body meeting of the society held on 30-07-2004 the membership of the petitioners has been cancelled in accordance with the provisions of the A.P. Co-operative Societies Act and the Rules made thereunder and accordingly the shares held by them are returned.

Heard the learned Counsel for the petitioners and the learned Government Pleader for Co-operation appearing for the respondents 1 to 4.

The learned Government Pleader at the outset submits that against the impugned proceedings, an alternative remedy is available under Section 61 of the Andhra Pradesh Cooperative Societies Act, 1964, which provides for settlement of all the disputes touching the constitution, management or business of the Society among the members and the society by the Registrar.

In view of the efficacious alternative remedy available under the Statute, I am of the view that this writ petition under Article 226 of the

Constitution of India cannot be maintained. Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioners to work out their remedies as available under the Statute. It is made clear that it is open to the petitioners to urge all the grounds including that the fifth respondent is not competent to issue the impugned proceedings before the appropriate authority under the Statute.

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18.08.2004

VGB

To

1 The Principal Secretary, Government of Andhra Pradesh,
Agricultural & Cooperative Department, Secretariat , Hyderabad - 500 004 –

A.P.

2 The Registrar of Cooperative Societies, Opp: to Gandhi Bhavan, Nampally,
Hyderabad - 500 001- A.P.

3 The Deputy Registrar of Co.op Societies, A.M.C. Complex, Governorpet,
Jaihind Talkies Road, Vijayawada - 520 002 , Krishna District.

4 The Cooperative Sub Registrar (Weaker Sections), O/o Divisional

Cooperative Officer, Vijayawada- 520 002, Krishna District.

5 The Chairman, Person in Charge Committee, Kotha Jupudi D.C. Field

Labour Co-op Society Ltd, G.2826, JUPUDI, Ibrahimpatnam Mandal,

Krishna District-A.P.

6 2CCs to the Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT)

7 2CD copies